SOUTH DAKOTA DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS OFFICE OF SPECIAL EDUCATION

Brookings School District Continuous Improvement Monitoring Process Report 2001-2002

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This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Office of Special Education. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice The district/agency exceeds this requirement through the implementation of

innovative, high-quality programming and instructional practices.

Maintenance The district/agency consistently meets this requirement.

Needs Improvement The district/agency has met this requirement but has identified areas of weakness

that left unaddressed may result in non-compliance.

Out of Compliance The district/agency consistently does not meet this requirement.

Not applicable In a small number of cases, the standard may not be applicable for your

district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the

district boundaries.

Principle 1 – General Supervision

General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- ? Child count data
- ? Screening information (numbers of participants, etc)

- ? Personnel development schedule
- ? Staff needs assessment
- ? Suspension/expulsion data
- ? Statewide and alternate (STAARS) assessment data

Promising Practice

The steering committee found the district's use of resources and interagency agreements with Head Start, Brookings Interagency/Birth to Three program, Career Learning Center and the Kelly McGeough Foundation as a promising practice for efficient use of resources and for ease of accessibility to services for children and families.

Also noted by the steering committee as a potential promising practice is the district's paraprofessional training program. All first year special education teaching assistants are trained using a special curriculum designed by Utah State University.

Maintenance

The steering committee concluded that overall the district's pre-referral and referral system was functioning as an area of maintenance. The committee also concluded that the process for ensuring students placed by the school district in a private school or facility for the purposes of receiving special education is an area of maintenance. Suspension and expulsion policies and procedures were identified to be functioning as an area of maintenance in the self-assessment. Personnel and professional development activities and assessment of staffing training needs were noted to be at a maintenance level as well.

Needs Improvement

The steering committee indicated there was a need for improvement in making data-based decision making as it relates to measuring progress towards meeting the state's performance goals.

Not Applicable

The area of children voluntarily enrolled by parents in private schools was identified as being not applicable as there are no private schools within the boundaries of the district.

Validation Results

Promising Practices

The district's early childhood program was validated as a promising practice, but it is reflected under principle six of this report, as the review team felt the program was most representative of a promising practice under Least Restrictive Environment.

The team agreed with the steering committee's assessment of their paraprofessional training as a promising practice. The district provides a year-long training course for all first year special education teacher aides. The program, a paraprofessional training course, is delivered once a month by the special education director. In providing this competency-based program, the district ensures a solid knowledge base for their paraprofessionals. The attendees are awarded a certificate at the completion of the year – long training. In addition to training all first year aides, the district makes the training available to veteran staff on a request basis. The training is supplemented by additional presentations, which stem from requests of the teaching assistants.

Maintenance

The review team agrees with the conclusions of the self-assessment and finds the district is functioning at a maintenance level regarding the requirements for general supervision.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

- ? Suspension/expulsion data
- ? Child count data
- ? Comprehensive plan
- ? Surveys administrators, parents, staff and students

Maintenance

The steering committee concluded the district consistently provides a free, appropriate education for all eligible students with disabilities.

Validation Results

Areas out of compliance

24:05:13:02 Free appropriate public education (FAPE) defined.

Issues requiring immediate attention

Due to the situation found during staff interview, the review team finds the district out of compliance under the areas of Free Appropriate Public Education.

In the course of reviewing student files, the team was apprised of a situation of an elementary student whose IEP team had not convened to discuss the results of a triennial reevaluation. In interview with the special educator, she indicated she had purposely not convened a team meeting, to prevent action occurring regarding the student's potential eligibility. The reevaluations of the student occurred in October, 2001. At the time of the review team onsite visit, no meeting had yet been held.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

Data sources used:

- ? File reviews
- ? Comprehensive plan
- ? Procedural safeguards brochure
- ? Written notice forms

Maintenance

The steering committee felt the district consistently implemented the requirements for comprehensive evaluations, conducted by a team of knowledgeable staff, which includes parental input. It was also felt that the district completes valid and reliable evaluations, resulting in effective IEPs for eligible students. The committee saw the district consistently using state eligiblity guidelines and IEP technical assistance resources. They also found that the district provides appropriate written notice and obtains informed consent before assessments are administered to a child as part of evaluation or reevaluation. Evaluation/reevaluation procedures and instruments were found to meet minimum requirements, and were at a maintenance level. The steering committee felt the district consistently addressing the eligibility determination requirements.

Areas that need improvement

The steering committee identified a number of areas as needing improvement. They included ensuring more consistency when seeking parental input into the evaluation planning process, as well as improving the utilization of functional behavioral assessments and other informal assessment tools to get a better idea of present levels and educational needs.

Validation Results

Areas out of compliance

24:05:04:02. Determination of needed evaluation data.

24:05:25:04. Evaluation procedures.

24:05:24.01:01. Students with disabilities defined.

24:05:24:04.03. Determination of eligibility.

24:05:25:24. Short-term evaluation programs.

The review team found the following areas out of compliance in the process of validating the district's self-assessment:

Parental input in the evaluation process

Districts are required to ensure that a variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parent. The review team finds the district has not ensured parental input into the evaluation process. Thirty-nine files were seen by the district in which evaluations were conducted, but no evidence of parental input was documented. In interview with district staff, they report contacting parents, however, no documentation of this opportunity for parental input is occurring.

Determination of Needed evaluation data

The district staff reported they were unclear how to decide what tests to select, or they indicated they felt they had been directed to give one particular test. A review of evaluations completed by the district revealed that educators were utilizing one test for achievement almost exclusively. It was noted that this situation was also an issue during the district's previous compliance monitoring in 1997. The review team did not finds any type of process within the district for the evaluation team to determine what tests will be administered to determine eligibility for special education. In interview, staff verified they did not have a process for documentation of how the selection of test occurs.

Evaluation Procedures

A review of forty-one files found no evidence of functional evaluation to assist in determining whether the child is a child with a disability and to assist in determining the content of the child's IEP. Staff reported to the review team they were unclear about the requirement to perform functional assessments and how this information pertained to the development of the IEP.

Administrative rules state the district must ensure that the tests are administered by trained and knowledgeable personnel in conformance with the instructions provided by the test producers. Teachers reported the use of an achievement test, the WIAT, to measure educational achievement. The manual for administration of this test lists user qualifications as "individuals who are involved in educational or psychological testing and who have graduate-level training in the use of individually administered instruments". The district did not provide verification that each administrator of the WIAT possessed graduate level training as a minimum. In interview with special educators, it was unclear if all educators meet this standard. The social skills teacher gives the BES-2, a scale for measuring social-emotional behavior concerns. This instrument requires the person interpreting the results to have appropriate training, and experience in scoring, interpretation and use of psycho-educational instruments. In interview with the educator, she reported no specific training in this type of instrument.

Districts are required to ensure that the child is assessed in all areas of the suspected disability. The reviewers found five files of students where behavioral difficulties were prominent in their IEP, referral or via interview with the special educator. In these five files, no behavioral assessments had been conducted. In addition to the issues of behavioral assessment, there were several examples found where students were not adequately reevaluated. One student, identified as having mental retardation, had not had an ability measure performed for six years. There was no evidence of the evaluation team meeting to determine whether of not an ability measure was needed to determine continued eligibility. A similar situation was seen with a high school student where no achievement or ability was performed during their last triennial reevaluation. No documentation or notice to the parents of that decision was seen in the file.

Determination of eligibility

Student files were reviewed for documentation of eligibility. In eight student files, the review team found a multidisciplinary team report that identified the student's disabling condition as different from that seen on the reported child count. As an example, a student was reported on the count as other health impaired, but the MDT report stated the student was eligible under learning disability. Another student was seen on the count as having an emotional disturbance, but the eligibility report listed him as having mental retardation. In interview with the special education director, he provided the district has in the process of changing their systems to ensure eligibility is determined and reported accurately. It was noted that identification of students (Students with Disabilities defined.) was an issue in the district's 1997 compliance monitoring report.

<u>Issues requiring immediate attention</u>

In two separate student files, the team found the student's disabling condition reported on the child count was not substantiated by documentation within the files. One student was identified as being have multiple disabilities of a combination of mental retardation, emotional disturbance and orthopedic impairment. The student's evaluation information did not support meeting the criteria for mental retardation. For another student, they were reported as being eligible under the category of other health impairment, however, no adverse effect on the student's educational performance was seen in documentation.

Short-term evaluation program:

The district placed a student at Children's Home Society under a short-term evaluation program. No consent for the student's evaluations was found. In addition, the student did not have an interim individualized education program developed for service provision at the facility. Documentation and

interview with staff indicated the district was aware the student did not have an IEP in place during this time period.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- ? FERPA announcement
- ? Comprehensive plan
- ? File reviews
- ? Procedural safeguards

Maintenance

The steering committee found the district consistently ensures the transfer of special education rights from the parent to the adult student, in accordance with administrative rules. They also indicated the district was maintaining compliance in the provision of providing procedural rights and giving written notice to parents. The committee found that the district does provide parents with the opportunity to inspect and review all educational records concerning the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education. The self-assessment noted the conclusion that the district ensures parents are informed of their right to request and obtain an independent educational evaluation if they disagree with the results of a district conducted assessment. The steering committee found the district to have procedures and policy in place via the comprehensive plan for responding to complaints and due process hearing requests.

Validation Results

Maintenance

The review team agrees with the conclusions of the self-assessment and finds the district is functioning at a maintenance level regarding the requirements for procedural safeguards.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

? File reviews

- ? Administrative and staff surveys
- ? Comprehensive plan

Maintenance

The steering committee felt the district was consistently ensuring the IEP team is comprised of appropriate team members and meets all identified responsibilities.

Areas that need improvement

The steering committee indicated that in the development of IEPs, there were numerous areas that needed improvement. These included addressing present levels of performance more specifically in terms of how the disability impacts the student's involvement and progress in the general curriculum or for preschool-aged students, the developmental indicators. Annual goals and objectives on IEPs were also noted as potentially needing improvement. The committee also indicated that parental input received or concerns shared need to be better documented in the IEP. Addressing a student's transition needs via the IEP process was also found to be an area of needed improvement. The steering committee also stated in the self-assessment that there was need to better ensure the IEP teams consideration of the unique needs of the child, including what supplementary aids and services and/or modifications are provided to ensure academic progress.

Validation Results

Areas that need improvement

Transition/Course of Study:

Of the files reviewed in which transition is a required component, the course of study identified at age 14 was incomplete and transition outcomes were incomplete or not linked to the course of study. The review team recognizes the efforts of behalf of the district to improve their transition process through their work with the Transitions Outcomes Project and validates this area as needing improvement.

Modifications and Supplementary Aids in the General Curriculum:

Through the process of file reviews and staff interviews, the review team members noted that personnel's understanding of the use of modifications and supplementary aids varied greatly. The review team found that the IEP team was indicating needed modifications in accordance with a particular teaching style or classroom teaching strategy, rather than based upon the individualized needs of the student. The review team validates this area as needing improvement.

Areas out of compliance Sub-Principle – IEP Team 24:05:27:01.01. IEP team.

The review team did not validate that IEP team membership is at a maintenance level in the district. During the onsite review, in five records reviewed, a representative from the school district who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities; is knowledgeable about the general curriculum; and is knowledgeable about the availability of resources of the school district was absent from the IEP meeting. In four records reviewed, the special education staff person was listed as the designee, but during interview, the personnel indicated they did not have authority as to the availability of the resources of the district. In two records reviewed, the regular educator was absent from the required team membership.

Sub-Principle – IEP Content

24:05:27:01.02. Development, review, and revision of individualized education program. 24:05:27:01.03 Content of individualized education program.

The review team found that IEP content was not consistently addressed in the district, and concerns rose to the level of being out of compliance. Administrative rules requires IEP teams shall consider, in the case of a student whose behavior impedes his or her learning or that of others, strategies, including positive behavioral interventions, strategies, and supports, to address that behavior. In seven student records reviewed, the individual student's need for a behavior plan was not addressed appropriately. In one record, behavioral concerns were identified as a part of the initial referral, however initial evaluations did not include a behavioral assessment nor did the team document that behavior impeded the student's learning. A review of six student files provided students were exhibiting numerous behavioral concerns. These concerns were identified through present levels of performance and/or justifications for placement. The accompanying IEPs for each student did not contain any type of behavioral interventions, strategies or supports to address that behavior. In interview, staff stated that students would present with obvious behavioral concerns, but they were not addressed in the development of IEPs.

This rule also requires that the IEP team consider the concerns of the parent for enhancing the education of their student. The review team was unable to verify through documentation in the IEP that parents input and concerns were being considered by the IEP team.

A consistent pattern was seen in student IEPs regarding the present levels of performance statements. Administrative rule requires that the statement of present levels of performance include how the student's disability affects their involvement and progress in the general curriculum. In thirty-seven student files reviewed, this was not reflected in the IEP. In addition, the district is not consistently performing functional assessments of student, and as a result, the present levels of performance do not reflect skill-based data. For secondary level students, the present levels statements were often a regurgitation of current coursework being taken and behavior seen in that class (i.e., "often does not hand in homework", "sharpens pencil excessively").

Annual goals are to be measurable statements that will address meeting the child's needs in order for the student to be involved in and progress in the general curriculum, as well as address the students other educational needs that result from the student's disability. Goals seen in seventeen student files were found vague and unmeasurable and unrelated to the general curriculum. Examples seen include "will demonstrate math skills corresponding to standards for third grade" and "will read at increasing levels of complexity for a variety of purposes". The lack of a correlation in the present levels of performance to the state standards (general curriculum) and on into annual goals is a consistent compliance issue in the district's development of IEPs.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- ? Placement data
- ? File reviews
- ? Surveys- administration, staff, parents and students

Maintenance

The steering committee found that children were receiving services in the least restrictive environment with the supports they needed for their successful participation. The self-assessment reflected this principle to be at a level of maintenance.

Validation Results

Promising Practice

Through interview and tour of the early childhood program, the review team validated this promising practice in the district. Brookings has an early childhood program (ECP) that is noted for conducting screening and providing services for children ages birth through five. The focal piece of this program is the involvement of a wide variety of local agencies, coordinating efforts to ensure appropriate programming. In addition to excellent interagency collaboration, scheduling in the early morning and late afternoon/evening hours ensures working families have access to the screenings. In doing these things, the district has been able to reach out to more children to assure their developmental skills are on target. In providing programs for children with special education needs, the ECP coordinates with their local Head Start, SDSU preschool program, preservice educators, and support staff to provide services in the least restrictive environment. In addition, the classroom settings designed to support the developmentally appropriate practices, and communication with parents is assured via daily reports of what their child has done each day.

Areas out of compliance

24:05:25:05. Eligibility and placement procedures. 24:05:28:03. Factors in determining placements.

The review team did not validate the district's self-assessment of least restrictive environment as being at a maintenance level. Administrative rules require that in interpreting evaluation data for the purpose of determining eligibility and making placement decisions, each school district shall ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The district must also ensure that the placement decisions is made in conformity with the LRE rules in Chapter 24:05:28. ARSD also requires that each school district establish and implement procedures which ensure that the following factors are addressed in determining placements. These factors include

- (1) each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
- (2) provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
- (3) unless a child's individual education plan requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled;
- (4) placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
- (5) a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

The monitoring team determined that the district does offer the continuum of program options across the district, but through documentation and interviews with staff, it was clear to the monitoring team that the IEP teams were not considering the full continuum of placements for each individual student. Placement decisions were not being made by the IEP teams in an accept/reject format beginning with the least restrictive environment to the more restrictive environment. Therefore, it is unclear why students are placed in a certain environment due to the lack of documentation. Examples from student files of the justification of placement statements are (1) "The team accepts general classroom with modifications" and (2) The team accepted the placement of two periods of resource classes for the next school year

(2001-2002). It is the team's hope to move (the student) into more regular classes as his appropriate positive behavior and attention span increases." In these examples, the IEP teams failed to explain the extent to which the student will not participate with non-disabled peers in the general education classes and activities. Another example from a student file stated the justification for placement was "...The OT and PT goals can best be accomplished using the equipment and facilities outside the classroom for specific skills but modifications are made for (the student) to allow her to function as much as possible in the regular classroom. A teaching assistant is available for (the student) to help meet her physical needs and to work with her on academic goals. General classroom with modifications was rejected since it will not allow her to have the instruction needed with out the embarrassment of competition and distractions that accompany a large classroom setting." The least restrictive environment page indicates the student is placed in the resource room and receives the related services of occupational therapy and physical therapy. The justification for placement states that modifications are made for the student to allow her to function as much as possible in the general classroom, but the team went on to state the general classroom with modifications was rejected. The IEP team failed to determine the least restrictive environment and justify that placement for the student.

It is a requirement that each student's educational placement be individually determined at least annually and must be based on the student's IEP. Through staff interviews, it was noted to the monitoring team that pre-determined decisions were made for student placements into a specific academic track without input from the student's IEP team. An example would be that all inclusionary special education students at the middle school are on one "team" in the two-team system by grade level. Staff also indicated they had a concern that due to the extensive amount of inclusion, there was a lack of direct instruction for students that required such a teaching approach. The placement of the student into the least restrictive environment was not determined through the IEP process, but rather the student was expected to be in the inclusionary setting as most other special education students. There was a lack in the IEP process documentation in how the placement was determined for each individual student's needs.

While not out of compliance, the monitoring team had some concerns about the provisions of services to be made for appropriate classroom and alternate settings necessary to implement the student's IEP. There appears to be little continuity for students with the general education teachers at the middle school level from year to year. In interview, the general education staff indicated it was difficult to have continuity with the students receiving special education as they instructed them for one semester or one year and then the student was on to another grade level and teaching staff. They are not able to carry over the consistency of the student's specific needs, learning styles and IEP components in a successful manner. Due to the structure of the system, there is difficulty in matching the student's individual needs and learning styles with teaching staff member. Staff indicated for students that are in all general education classes, there is not the ability to work on specific learning tools.

The school district does not provide adequate documentation in the IEP process of the explanation of the extent, if any, to which the child will not participate in the general education curriculum, or extracurricular or other nonacademic activities. The documentation within the students' IEPs does not verify that the IEP teams are determining the appropriate setting after the needs, goals and objectives for the students are determined, nor does it support that the placement decisions are made individually for each child.